

COASTAL CONSERVANCY

Staff Recommendation
September 25, 2008

MOORE CREEK ACQUISITION

File No.08-097
Project Manager: Amy Hutzell

RECOMMENDED ACTION: Authorization to disburse up to \$1,650,000 to Napa County Regional Park and Open Space District for the acquisition of the 673-acre Moore Creek Property in Napa County for the protection of natural resources and public recreation.

LOCATION: In central Napa County, east of St. Helena, near Lake Hennessey (Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Plant Communities Map and Photographs of Property](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$1,650,000 (one million six hundred thousand fifty dollars) to Napa County Regional Park and Open Space District for the purpose of acquiring the 673-acre Moore Creek Property (Napa County Assessor Parcel Nos. 020-200-034, 020-280-030, 020-060-025, and 020-060-023), subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, Napa County Regional Park and Open Space District shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and documents of title.
 - b. Evidence that sufficient funds are available to complete the acquisition.

2. Napa County Regional Park and Open Space District shall pay no more than fair market value for the fee interest in the property based on an appraisal of the property.
3. Napa County Regional Park and Open Space District shall permanently dedicate the property for habitat preservation, open space protection, and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer in accordance with Public Resources Code Section 31116(b).
4. Napa County Regional Park and Open Space District may lease a portion of the acquired property for grazing provided that the grazing is carried out in a manner consistent with the purposes of this authorization and that all funds generated under the lease are used for maintenance, operation or improvement of the property.
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.”

PROJECT SUMMARY:

Conservancy staff recommends authorization of a grant of \$1,650,000 to Napa County Regional Park and Open Space District (“District”) for the fee title acquisition of the Moore Creek property. The purpose of the acquisition is to permanently protect and restore existing natural resources and provide public recreation and access. The Moore Creek Property is immediately adjacent to the City of Napa’s Lake Hennessey watershed property in central Napa County (Exhibit 1). Matching funds from Napa County and the District will be used to complete the acquisition and make improvements necessary to transform the property into a public park. Located less than 20 minutes from St. Helena, and 30 minutes from the City of Napa, the property will provide an incredible regional park close to where most Napa residents live.

In November of 2006 Napa County voters approved Measure I establishing the Napa County Regional Park and Open Space District. The District is authorized to plan, improve and operate a system of public parks, trails, outdoor recreational facilities, and outdoor science and conservation education programs, as well as to protect and preserve natural areas, wildlife habitat and other open space resources. Its jurisdiction includes all of Napa County. The District is governed by a Board of Directors whose five members are directly elected by the public.

Site Description: The 673-acre property has significant natural resource values, rating as a high priority area for biodiversity in the NatureServe evaluation system developed for the Land Trust of Napa County. The detailed plant community mapping for Napa County prepared by U.C. Davis shows why: the property contains a diverse combination of plant communities. The

property is bounded on the west by 772 acres of botanically rich properties protected by conservation easements held by the Land Trust of Napa County, and on the south by over 2,800 acres of watershed owned by the City of Napa (Exhibit 1). Over two miles of the perennial Moore Creek runs through the property, and an additional 0.8 mile of the creek runs along the outside edge of the property line. There are also 1.2 miles of intermittent streams on the property. In combination with the conservation-easement protected lands to the west, and the State of California's Las Posadas Demonstration Forest, the project protects most of the Moore Creek watershed. Moore Creek is a major tributary feeding into Lake Hennessey, which is the City of Napa's primary water supply.

The property also has the potential for high recreational values. The property is centrally located near the middle of the Napa Valley, easily accessible by people in all four cities and one town in Napa County. Being close to the heart of wine country, it will also serve visitors from the Bay Area, California, the nation and the world. One of the primary complaints expressed by visitors to Napa County is that there are few opportunities to access and directly experience the natural beauty of the county. The eighty percent of Napa residents who live in the incorporated areas of the County often express the same frustration.

Over three miles of existing dirt road on the property can be converted to trails, and the potential exists for over three additional miles of single track trail. It also provides a way to open up the north side of Lake Hennessey for public access. With the acquisition of this property, there will only be a remaining 4,000 foot gap in public and land trust owned properties for the entire 25 mile distance between Lake Hennessey and Mt. St. Helena, making possible the implementation of nearly one-fourth of the long planned but stalled Napa Crest Trail, which is proposed to circumnavigate the Napa Valley. Plans now being developed for a Class I path connecting the Oat Hill Mine Trail to Bothe-Napa State Park would add another nearly 10 miles to this trail system as well as provide a trail connection into Sonoma County.

In addition to providing trails for hikers, mountain bicyclists and equestrians, the property has the potential to provide group and family camping, both in rustic walk-in tent camping areas and in more comfortable tent cabins or yurts. There are two existing 1950s era houses on the property, plus a swimming pool and accessory buildings. The gate house is planned by the District for use as a caretaker's residence, reducing the need for paid staff to monitor and manage the property. The main house, which was designed as an extended family vacation home accommodating up to 20 people, will likely be used as an amenity for supporting volunteers. The District proposes to establish a "Friends of the Park" volunteer group, and the house will serve as a comfortable base of operations for the volunteers. The pool will be available for use by volunteers and campers.

The grassland portions of the property are used for cattle grazing. This will be continued on approximately 200 acres of the property, both for wildfire management and to support the continuation of ranching, but the management regime will be changed to remove cattle from the creek and eliminate historic overgrazing of the land.

Project History: The County of Napa's 1977 Park and Recreation Plan proposed a trail circumnavigating the Napa Valley through the mountains on either side of the Valley, to be called the Napa Crest Trail. No progress was made on implementing this trail until about a decade ago, when the Land Trust of Napa County in partnership with the California Department of Parks and Recreation acquired property for the Palisades Trail extending about 8 miles along

the main ridgeline from Highway 29 near Mt. St. Helena to the abandoned Oat Hill Mine Road. In 2006 the Land Trust acquired the 3,000 acre Wildlake Ranch, and in 2007 obtained an option to acquire the adjacent Duff property. The Conservancy authorized funds to assist with these acquisitions in April of 2006 and April of 2008 respectively. These acquisitions will extend the public trail from the Oat Hill Mine Road to the rural community of Angwin. Also in 2007, the County of Napa in partnership with the new Napa County Regional Park and Open Space District reopened the Oat Hill Mine Road as a non-motorized recreational trail, which provides public access from both Calistoga and Pope Valley to the ridgeline trails.

At about the same time, while preparing the new County General Plan, County and District staff investigated the feasibility of further extending this trail system south to the City of Napa's Lake Hennessey watershed property. This investigation revealed that, in combination with the state-owned Las Posadas Demonstration Forest, nearly the entire distance between Angwin and Lake Hennessey via Moore Creek was in a single ownership. Adding to the appeal of this property was its location in an area of high biodiversity, its importance for protecting water quality, its adjacency to conservation-easement protected habitat and the potential for rustic camping.

When the Napa County Regional Park and Open Space District in April of this year learned this property was available for purchase, it immediately initiated discussions with the owners, and on June 30th secured an option to purchase the property. Diverse local groups ranging from the Pope Valley Ropers and Riders and the Boy Scouts to the Sierra Club and the Resource Conservation District have enthusiastically joined in supporting the project because of its many benefits. With this project, over one-fourth of the right of way for the nearly forgotten dream of a Napa Crest Trail will be secured, a significant watershed will be protected, and Napa County will get its first new group and family camping facility in thirty years

PROJECT FINANCING:

Acquisition Costs

Coastal Conservancy	\$1,650,000
Proposition 40 Per Capita funds for Napa County	\$866,688
Napa County	283,312
Napa County Regional Park and Open Space District	<u>10,000</u>
	\$2,810,000

Planning and Implementation of Public Access Improvements

Napa County	\$500,000
Napa County Regional Park and Open Space District	\$33,000
Volunteer Labor (in-kind services)	<u>37,000</u>
	\$570,000

Total Project Cost	\$3,380,000
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Conservancy funds for this project are expected to derive from the Conservancy's FY 07/08 appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River

and Coastal Protection Bond Act of 2006 (Proposition 84). This funding source may be used for the protection of bays, coastal waters, and watersheds, including projects to protect natural habitat values of coastal waters and lands, pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The acquisition of the fee and easement interests in the Moore Creek Property will serve to protect natural habitats in the Moore Creek watershed. In addition, as discussed below, the project is consistent with Chapter 4.5 of Division 21.

Proposition 84 also requires that for acquisition projects that protect natural resources, the Conservancy assess whether the project meets criteria specified in Section 75071. The proposed acquisition satisfies three of the specified criteria:

- 1) The property links to existing protected areas with other large blocks of protected habitat. The linkage serves to connect existing protected areas, facilitate wildlife movement or botanical transfer, and results in sustainable combined acreage.
- 2) The project will contribute to long-term protection of and improvement to the water and biological quality of Moore Creek within the Napa River watershed, a "priority watershed" as identified by the Resources Agency.
- 3) The project is supported by matching funds. The County of Napa and the District are providing \$1,150,010 towards the acquisition and additional funds towards planning and implementation of public access amenities.

Finally, as required by Section 75701, Conservancy staff has submitted to the Resources Agency and has posted on the Conservancy's website an explanation as to how the proposed acquisition meets the criteria of that section.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31165, to address resource and recreational goals in the San Francisco Bay Area.

The Moore Creek property is located in Napa County, one of the nine San Francisco Bay Area counties in which the Conservancy is authorized, under Sections 31160 and 31161 of the Public Resources Code, to undertake projects and award grants to address resource and recreational goals for the region.

Under Section 31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The proposed project, together with the implementation of the terms of the Purchase Agreement with the landowner, will protect 673 acres of habitat and open space and 2 miles of Moore Creek.

Consistent with Section 31162(d), the project will provide open space and a natural area that is accessible to the urban populations of the San Francisco Bay Area for recreational purposes.

Finally, the Moore Creek acquisition satisfies all of the criteria for determining project priority under 31163, as follows: (1) The acquisition is supported by adopted regional plans. Acquisition and improvement of the property into a public park accomplishes multiple goals of the recently adopted Recreation and Open Space Element of the Napa County General Plan. The Plan notes there is a severe shortage of publicly accessible open space in Napa County, particularly in the western half of the County near where most residents live and work. The project is a critical

component of implementing the Napa Crest Trail which was first identified as a goal in the 1977 Park and Recreation Plan for the County. Finally, the project is identified as a priority in the draft Master Plan now under development by the Napa County Regional Park and Open Space District. This draft Plan is expected to begin circulating for public comment in September 2008, with adoption shortly thereafter. (2) The project serves a regional constituency, in that the project will help preserve habitat and provide public access and recreation for the benefit of the people of California. (3) The acquisition can be implemented immediately. (4) The project provides benefits that would be lost if the project is not quickly implemented: the threat of rural estate development is high. (5) The Conservancy's funds are being matched, both for the acquisition and for planning and implementation of public access and recreation amenities.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

The proposed project is consistent with **Goal 10, Objective D** of the Conservancy's Strategic Plan, because it will result in the acquisition of 673 acres of upland wildlife habitat and regionally significant open space in the Bay Area.

The proposed project is consistent with **Goal 11, Objective C** of the Conservancy's Strategic Plan, because it will increase the amount of land accessible to the public.

The proposed project is consistent with **Goal 12, Objective B** of the Conservancy's Strategic Plan, because it will result in the protection of approximately 200 acres of rangeland in the Bay Area.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 20, 2007, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Many individuals and entities support this project including Assemblymember Noreen Evans, State Senator Patricia Wiggins, County of Napa, Napa Group of the Sierra Club, Pope Valley Ropers and Riders, Land Trust of Napa County, Boy Scouts of America—Napa Group, Napa County Resource Conservation District, Natural Resource Conservation Service, Eagle Cycling Club, California Native Plant Society—Napa Chapter, and Audubon Society—Napa Chapter. Letters of support are attached as Exhibit 3.
4. **Location:** The Moore Creek Property is located in Napa County, within the jurisdiction of the San Francisco Bay Area Conservancy.

5. **Need:** The opportunity to protect the habitat and access values of the Moore Creek property could be lost without Conservancy support. The District has secured funding sources, negotiated a mutually agreeable acquisition with the landowner, and is ready to move on this acquisition, but cannot do so absent the additional Conservancy funding.
6. **Greater-than-local interest:** The property has significant opportunities for recreation (including camping and portions of regional trails), which would serve Napa County and Bay Area residents and wine country visitors from around the world. The property also has significant natural resource values, rating as a high priority area for biodiversity in the NatureServe evaluation system developed for the Land Trust of Napa County. Two miles of Moore Creek traverse the property. Moore Creek is a major tributary feeding into Lake Hennessey, which is the City of Napa's primary water supply.

Additional Criteria

7. **Urgency:** The desirability of Napa County for residential development has created the most valuable non-urban land in the world. If not acquired, the property will be sold for development, and more than likely will be converted into three rural estates, impacting habitat, water quality and possibly the continuation of grazing, and preventing the development of public access and recreation opportunities on the property.
8. **Resolution of more than one issue:** The project will protect wildlife habitat, protect the watershed for Moore Creek, which flows into Lake Hennessey and provides Napa with drinking water, provide significant opportunities for public recreation within easy distance of a large portion of Napa County's residents and visitors, and allow for continued cattle grazing.
9. **Leverage:** See the "Project Financing" section above.
10. **Conflict resolution:** Acquisition of the Moore Creek property will prevent rural estate development, which could negatively impact wildlife habitat and water quality in Moore Creek, will allow for continued cattle grazing under a management regime that prevents overgrazing and removes cattle from the creek, and will provide a new park with hiking and camping opportunities in Napa County.
11. **Innovation:** The District will design and operate the Moore Creek Property to showcase sustainability and what can be done to reduce our carbon footprint. This will be done by (a) using solar energy to make park operations energy self-sufficient, (b) reducing vehicular use by requiring park users to get out of their cars at the park entrance, and traveling to their campsite or tent cabin by foot, bicycle, or electric cart (using electricity generated by solar energy), (c) reducing vehicular use by charging fees based on number of vehicles rather than number of people, (d) not providing free trash disposal, but instead encouraging waste reduction and recycling by requiring users to be responsible for their own trash, and (e) installing a public information display quantifying how park users are able to reduce their carbon footprint by using a local rather than distant park, by carpooling, and by relying on human power and/or solar energy while at the park.
12. **Readiness:** An appraisal of the Property has been completed, and the District has negotiated a transaction that is acceptable to the landowner. The District is ready to proceed with the acquisition and is also ready to plan and implement public recreation amenities.

13. **Realization of prior Conservancy goals:** If the remaining 4,000 foot gap of private land between the Moore Creek Property and the Las Posadas Demonstration Forest can be closed, this property will link into the Wildlake and Duff properties, Robert Louis Stevenson State Park and State School Lands area for which the Land Trust of Napa County is developing a comprehensive management plan with the support of a Conservancy grant authorized in April of 2008. The Conservancy also provided funds to the Land Trust of Napa County to help acquire the Wildlake and Duff properties, in April of 2006 and April of 2008 respectively.

COMPLIANCE WITH CEQA:

Acquisition of the Moore Creek property is categorically exempt from the California Environmental Quality Act (CEQA) in that it involves the acquisition of interests in land for open space and wildlife habitat purposes, to preserve existing natural conditions and to allow some continued agricultural use (14 Cal. Code of Regulations Section 15325). Staff will file a CEQA Notice of Exemption upon Conservancy approval of the project.